

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RONALD S. RILEY,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-746 (***)
)	
THE DELAWARE RIVER AND BAY)	Related Case
AUTHORITY, JAMES JOHNSON,)	C.A. No. 07-336 (xxx)
Individually, JAMES WALLS, Individually,)	
TRUDY SPENCE-PARKER, Individually,)	
and CONSUELLA PETTY-JUDKINS,)	
Individually.)	
)	
Defendants.)	

ANSWER

1. Defendants are without sufficient information to admit or deny that Plaintiff Ronald S. Riley ("Riley") is a United States citizen residing at 813 N. Clayton Street, Wilmington, Delaware 19805, but has no reason to deny such. Admitted that Riley is an employee of the Delaware River & Bay Authority ("DRBA").

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

JURISDICTION

7. This paragraph states a legal conclusion for which no answer is required. To the extent an answer is deemed required, it is denied.

8. Denied as stated. Admitted that as of March 1, 2003, Riley was classified as an Airports Operations Clerk.

9. Denied as stated. Admitted that effective March 1, 2003, Riley was employed by the Airport Safety Department as an Airports Operations Clerk with a pay grade of "P." The remaining allegations are denied.

10. Admitted.

11. Denied.

12. Denied as stated. Admitted that Riley complained to management that his compensation was not adequate. The remainder of the allegations in this paragraph are denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Defendants repeat and reallege answers in paragraphs 1-21.

23. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Defendants acted at all times on reasonable grounds and in good faith.

THIRD AFFIRMATIVE DEFENSE

Defendants are immune from Plaintiff's tort claims pursuant to 10 Del. C. Ch. 40 and N.J. STAT. ANN. § 59:1-1 *et seq.*

FOURTH AFFIRMATIVE DEFENSE

Defendants are immune from Plaintiff's tort claims in accordance with the Eleventh Amendment to the United States Constitution.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims fail in whole or in part because at all times Defendants made a good faith effort to comply with applicable law, acted lawfully and with legitimate non-discriminatory business reasons that were not a pretext for unlawful discrimination.

SIXTH AFFIRMATIVE DEFENSE

Some or all of Plaintiff's claims are barred for failure to exhaust all available statutory, administrative, or contractual remedies.

SEVENTH AFFIRMATIVE DEFENSE

Some of or all Plaintiff's claims are barred by the applicable federal or state statutes of limitations.

EIGHTH AFFIRMATIVE DEFENSE

Some or all of Plaintiff's claims are barred under the workers' compensation exclusivity rule.

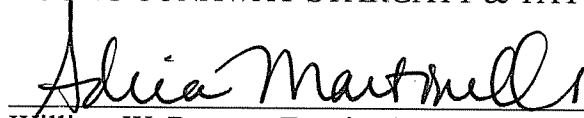
NINTH AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim against the individual defendants under Title VII because individuals are not liable under Title VII.

TENTH AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim against the individual defendants under § 1983 because the individual defendants are entitled to qualified immunity.

YOUNG CONAWAY STARGATT & TAYLOR, LLP



William W. Bowser, Esquire (Bar I.D. 2239)

Adria B. Martinelli, Esquire (Bar I.D. 4056)

The Brandywine Building, 17th Floor

1000 West Street

P.O. Box 391

Wilmington, Delaware 19899-0391

Telephone: (302) 571-6601, 6613

Facsimile: (302) 576-3282, 3314

Email: wbowser@ycst.com

amartinelli@ycst.com

Attorneys for Defendants

DATED: May 31, 2007